

**FARMINGTON CITY PLANNING COMMISSION**Thursday, May 29, 2008

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**PLANNING COMMISSION STUDY SESSION**

**Present:** Chairman Kevin Poff, Commission Members Randy Hillier, Steve Andersen, Rick Wyss, Craig Kartchner, Alternate Planning Commissioner Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, Planning Secretary Melissa Jackson, Recording Secretary Jenny Slabaugh and City Engineer Paul Hirst. Planning Commissioners Paul Barker and John Bilton were not in attendance.

**Chairman Poff** began the discussion at 6:31 p.m. The following items were reviewed:

**Chairman Poff** introduced the new Planning Commission Recording Secretary Jenny Slabaugh.

**(Agenda Item #2c): Gardner Development Company-Applicant is requesting a recommendation to amend the final Plat approval for Village at Old Farm Phase 2 by creating Phase 2A with Phase 2B being approved at a later time. The project is located at approximately 1600 North Main Street in the NMU (Neighborhood Mixed Use) Zone.**

**David Petersen** informed the commission that Gardner Development Company is requesting a phase split and would like to split Village at Old Farm Phase 2 into two phases 2A and 2B. Phase 2A would result in 6 fewer dwelling units. The original area of Phase 2A had 55 units and the proposed Phase 2A would only have 49 units. **Mr. Petersen** provided plans of the development and showed the new phase line being requested for the Commission to review.

The Commission felt that they could not move on this request without knowing if there would be unwritten expectations for the other land that was no longer being used.

**Commissioner Bilton** also discussed whether or not a public hearing would need to take place because of the type of request being made. **Commissioner Andersen** did not think a public hearing was required because of reduced density.

**(Agenda Item #4): America West Development - (Discussion Item) – Introductory presentation of a mixed-use development of approximately 132 acres west of Park Lane in the Transportation Oriented Development (TOD) Zone.**

The Commission is going to be discussing the graphics in the master plan.

**Commissioner Wyss** wanted to discuss Garbett Homes and the Farmington Crossing Development North Phase. **Mr. Wyss** pointed out that Garbett agreed to a rock and stucco exterior but was using siding instead for the north phase. He requested that Melissa email an update concerning this issue before the next Planning Commission meeting.

The meeting adjourned at 7:01 p.m.

### **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kevin Poff, Commission Members Randy Hillier, Steve Andersen, Rick Wyss, Craig Kartchner, John Bilton, Alternate Planning Commissioner Jim Young, City Planner David Petersen, Assistant City Planner Glenn Symes, Planning Secretary Melissa Jackson, Recording Secretary Jenny Slabaugh and City Engineer Paul Hirst. Planning Commissioner Paul Barker was excused.

**Chairman Poff** called the meeting to order at 7:05 p.m. **Commissioner Hillier** offered the invocation.

**Chairman Poff** introduced the new Planning Commission Recording Secretary, Jenny Slabaugh. He also welcomed Cub Scout Troop 3300 that were in attendance at the meeting to offer a presentation called "Save Our Stars".

### **APPROVAL OF MINUTES (Agenda Item #1)**

**Commissioner Andersen** moved to approve the minutes from the Planning Commission meeting held on May 15, 2008, with changes discussed during the Study Session. The motion was seconded by **Randy Hillier**, and was unanimously approved. Commissioners **Craig Kartchner, John Bilton and Rick Wyss** abstained due to their absence at the meeting.

### **CITY COUNCIL REPORT (Agenda Item #2a)**

**David Petersen** reported the proceedings of the City Council meeting held on May 20, 2008. He covered the following items:

- Purchase and Sales agreement for properties owned by Heber South Town, LLC (Howard Kent) for Parks & Open Space Purposes. The city is looking into building a two acre park in Northwest Farmington.
- Farmington City is looking for some more cemetery space because the city is running out of space in the Main Street cemetery. The city is looking at a 7 acre plot intended for trade property.

- Consideration of Boundary Line Adjustment between Farmington City Equestrian/Pedestrian Trail (Public Use) Parcel and Lot 48 (Jason Lindsay) of Shepard Heights Subdivision to accommodate adjustment of trail location.

**Chairman Poff** called for a representative from the Trails Committee to come forward but no one was present at the time.

**Commissioner Hillier** moved that Item #3, “Save Our Stars” on the agenda move into place before Item #2b, Trails Committee Invitation. **Commissioner Andersen** seconded the motion, which passed unanimously.

[Commission member **Rick Wyss** left the meeting at 7:12 p.m. and returned at 7:16 p.m.]

**(Agenda Item #3): “Save Our Stars”** presentation by Cub Scout Troop 3300. Time was turned over to the troop at 7:13 by **Chairman Poff**.

This presentation was conducted by six Cub Scouts from Troop 3300 of 1838 Kensington, Farmington, Utah 84025. Cub Scouts included: Benjamin Bohman, Drake Dandos, Jayden Fenner, Samuel Low, Caleb Neville, Daniel Pak and Den Leader Melanie Hepworth Neville.

This troop had been studying astronomy for the last year and gave a presentation explaining ways to conserve light and let the night sky shine down rather than having city lights shine up into the sky. Each scout gave a brief comment about saving our stars and ways this can be done together as a city. The scouts talked about different types of safety hazards in current lighting systems and how these can be corrected. They also performed a demonstration showing how good light shines down, not up. A slideshow illustrating different types of good and bad light was then presented.

**Commissioner Bilton** informed the troop and their Den Leader about zoning ordinances concerning light that they could read for more information about ways Farmington City conserves light. The Troop also left a book with the Commission containing more information about “Saving Our Stars” that can be referenced for more information regarding light preservation.

The Cub Scouts adjourned at 7:27 p.m. and the meeting was turned back over to **Chairman Poff** at 7:28 p.m.

**Chairman Poff** again asked if a representative was present from the Trail’s Committee and there still was not anyone present. The time was turned over to staff at 7:29 to discuss item #2c, Gardner Development Company-12 South 400 West, Suite 250, S.L.C., UT 84101.

**(Agenda Item #2c): Gardner Development Company-Applicant is requesting a recommendation to amend the final Plat approval for Village at Old Farm Phase 2 by creating Phase 2a with Phase 2b being approved at a later time. The project is located at approximately 1600 North Main Street in the NMU (Neighborhood Mixed Use) Zone.**

**This was not a Public Hearing.**

**David Petersen** addressed the Commission in regards to Gardner Development Company and their request for a phase split for Village at Old Farm. **Mr. Petersen** presented development maps to the Commission that showed a proposed line the applicant would like to use to re-plat Phase 2. The changes east of the red line would reduce the overall housing number by six dwelling units for Phase 2A. The applicant is seeking approval for a net density gain of nine dwelling units, including both phases.

The applicant, **Jono Gardner**, then spoke about the reason for the request and the changes to the current plat. He stated that when Gardner Development started this project in late 2004 they had a very different market than they do now. The project started being designed in 2006 and the market has changed even more since then. The company is concerned that consumers are shying away from attached units and now prefer single family dwellings instead. **Mr. Gardner** feels that to keep up with the market in 2009, 2010, and 2011 and to sell these dwellings that they need to make this change with the phase split. **Mr. Gardner** feels that this issue does not require a public hearing because of the minor change.

**David Petersen** said that if the Final Master Plan does not vary from the Preliminary Master Plan by more than the 10% parameter guideline, then they do not have to go back through the preliminary process.

**Chairman Poff** asked how many units are in Phase 1. **Mr. Petersen** replied, 71 units. Clarifying that if the plan doesn't vary more than 10% than it does not have to go back through the preliminary approval process.

**David Petersen** said that it could be taken back to the Planning Commission without public hearing regarding the eastern phase (2A) and there will still be approval on the western phase (2B).

**Chairman Poff** reminded the applicant that in the previous approval process the density in the loop they are requesting to change was a big issue with the surrounding neighbors. Single Family Units around this loop was a key element in the first approval process because it would blend better with the existing neighboring single family homes.

**Commissioner Andersen** stated that if there are changes on the western side (2B) that those changes would go over the 10% parameter and cause the city to be in violation of the administrative rules.

**Commissioner Wyss** questioned what exactly the 10% parameter is based on, asking if it is based on density.

**David Petersen** said it based on lot coverage area and that the ordinance was written for Single Family PUD's and this is for attached Multi-Family PUD's. To be fair the City or staff would have to look at it, but, the 10% may count for actual physical lots too. However, the ordinance doesn't say that.

**Commissioner Wyss** is troubled that the applicant wants to split the current plat into two phases and draw a new phase line.

**Commissioner Hillier** wants to know the reason for dividing the development.

**Jono Gardner** stated it's only a market issue and he feels that the single family homes will sell better. They are not as comfortable building attached homes as single family homes in this loop.

**Commissioner Wyss** stated that he sees no reason to divide.

**Commissioner Hillier** wants to know why single family will work better than twin homes.

**Jono Gardner** says he knows what he can sell per square foot on both types of units and that the single family units will sell better and he can sell them for more money per square foot.

**Chairman Poff** told the applicant that he thought it was inappropriate to change the character on the outside of the buildings in relation to the neighboring residents surrounding this area.

**David Petersen** said that the applicant is willing to start over on the western phase (2B) and go through the approval process. On the eastern phase he falls within the 10% guideline so he would like approval to go ahead with this portion of the phase.

**David Petersen** said that the Commission needs to re-approve the Final Plat, but they don't need a public hearing or go back through the preliminary stages of approval.

### **Motion**

**Commissioner Young** moved that the Planning Commission recommend the City Council re-approve the Final Plat plan with Single Family Homes replacing Twin Homes while keeping it all one phase rather than splitting into two phases and reducing the phase units, subject to the previous conditions of approval.

**Randy Hillier** seconded the motion, which passed unanimously.

**Findings:**

1. If there are any changes to density that would exceed the 10% requirement then the Final Plat would have to go back through the approval process. More than an additional 3% of change would also require going back through the approval process.
2. Not recommending dividing phases but keeping the Final Plat all as ONE phase.
3. Continue in nature of Single Family Dwellings in the 900 West area behind Smith's.
4. Someone needs to look into exactly what 10% means and provide an exact definition.

**Motion**

**Craig Kartchner** moved that Item #2b on the agenda, which is the Trails Committee Invitation move into the next spot for discussion. This motion was seconded and all members of the Commission were in favor.

**(Agenda Item #2b): Trails Committee Invitation**

**George Chipman** from the Farmington City Trails Committee wanted to invite the Planning Commission and everyone in attendance at the Planning Commission meeting to a Ribbon Cutting Ceremony at Buffalo Ranches on June 21<sup>st</sup> at 9:00 a.m. The ceremony will be at the trailhead located on 1<sup>st</sup> North (all the way West). He then thanked the Commission for their approval and all of their service.

**(Agenda Item #4): America West Development – (Discussion Item) – Introductory presentation of a proposed mixed-use development of approximately 132 acres west of Park Lane in the Transportation Oriented Development (TOD) Zone.**

**David Petersen** provided the following from the Staff Report including Background Information and Discussion Points for the Commission to review in regards to the America West Development.

**Background Information**

The purpose of this agenda item was to receive input from the Planning Commission regarding America West's proposed project and to help the applicant determine his next step in the planning process.

The applicant is just beginning to approach Central Davis Sewer District, the City Engineer, Public Works, Fire Department, Weber Basin Conservancy District, and the

Planning Department about, among other things, whether or not sufficient capacity exists in the area to provide sanitary sewer, and if not, what must be done to resolve this issue; is the water system in the area able to support a development of this magnitude; what are the storm water constraints; and are there any issues related to secondary water.

Moreover, little information has been provided thus far regarding transportation/traffic. Comments from the Commission will assist the applicant in the development of this plan.

### **Discussion Points:**

#### *Process:*

- PMP provides blanket conditional use approval, or
- Concept plan with conditional use approval to follow with smaller PMP's for more individualized areas

For Your Information: the current proposed “PMP” lacks, among other things, the following information set forth below. Is this information important to the Planning Commission—for PMP? For Concept Plan?

**Chairman Poff** suggested starting the discussion with background information so the Commission can better understand all of the issues at hand.

**David Petersen** started the discussion by handing out the Staff Report to the Commission and pointing out important items to be discussed. He also stated that items (a) through (e) in the first part of the Staff Report are important elements of the America West Development that the current “PMP” (Project Master Plan) is lacking. He then turned the time over to the City Engineer **Paul Hirst** to talk about some of his concerns about proper use of water and sewer systems in the area of development.

**David Petersen** invited City Engineer **Paul Hirst** to the stand to talk about some of his concerns regarding the America West Development. This is a summary of what he said:

- He had concerns about water trunk lines and the possibility of needing a new reservoir.
- He wanted to know more about America West’s plan for storm drainage and said that the developer needs to provide onsite retention.
- He said that specific data and layouts are needed for the sewer systems.
- He also addressed issues of transportation and problems that may arise with inadequate roads at interchange and trafficking.

**David Petersen** presented the Commission with four options of what they could do with the “PMP” which are:

1. Deny PMP (submission not complete).
2. Approve PMP-provides blanket CU approval for entire 132 acres (but not an option because submission not complete).
3. Approve PMP with conditions (i.e. must submit items to be approved by City).
4. Table PMP to allow applicant time to submit incomplete items.

**David Petersen** also explained to the Commission what options are available for the Concept Plan-which allows the applicant to submit smaller PMP’s on a phase by phase basis consistent with an overall plan, and if approved, each constitutes separate conditional use approval for the particular PMP.

1. Deny Concept (i.e. not integrated mixed use, no local street/access detail, etc.)
2. Approve concept (problem: no integrated mixed use, no local street/access detail, etc.)
3. Approve concept with conditions (i.e. must submit integrated mixed use concepts, local street/access detail, etc.)
4. Table concept to allow applicant time to prepare integrated mixed use concepts, local street/access detail, etc.)

**Commissioner Andersen** asked if the sewer line will have to be pumped or if it will run on the force of gravity?

**Paul Hirst** stated that it will have to be pumped.

Time was then turned over to **Robert McConnell**.

**Robert McConnell**, an attorney from Waddoups Brown Gee & Loveless, 185 South State Street, S.L.C., UT then spoke in behalf of his client, America West Development and these were his remarks:

-First and foremost, America West would like the Commission to decide on zoning so they can move forward with the whole process. They would like a Development Agreement that vests his client with respect to the TOD zone. They don’t want the zone to continue to change. He stated that ten days after they got



zoning the Commission then questioned what type of zoning it should be. He said they are not asking for any specific site plan approval.

- They would like to Identify Permitted and Conditional Uses.

- They would like to Identify Development Standards.

- They would like to identify the Procedural or Approval process for specific projects within the overall development.

- They would like a defined process for moving forward and they are willing to go through the conditional permit process.

- Finally, they would like to sign-off on an overall concept plan and would like a response.

**Robert McConnell** then states that he thinks America West should get what they want because they are “actually asking for a lower level of vesting than some other developers have received with respect to this zone and have provided much the same information”.

**Robert McConnell** then spoke about items that were said to be missing which were written in item(s) #1A and 1B in the staff report. He said that those are addressed in the design guidelines for this project where they articulate how much open space is required for each project and where they articulate what the interconnectivity needs to be, etc. He said that they can’t exactly show these things until development begins.

**Commissioner Wyss** wanted to know how much of the 132 acres is under ownership by America West.

**Ron Martinez** with America West said that all of the land is under contract. He also expressed some of his frustrations with the Commission and said he felt like they were not a partner with America West in this process.

**John Bilton** said that the Commission had spent a lot of time and energy on this project and that the city does want to be a partner with America West and thinks that the Commission can help this development to be fabulous.

**Ron Martinez** said it has taken three and a half years and 1.6 million dollars to get final zoning and approval of his development. It's been frustrating for the landowners and his investors because they don't understand why it is so difficult to get zoned into a Master Plan. His patience is running out. To get zoning in December and have it undone in January was very frustrating. **Mr. Martinez** said that he has seen favors done for other developers allowing them to move forward without submittal of any infrastructure and without a tracking study that was submitted nine months after they were approved. **Mr. Martinez** said he just wants to be treated fairly and wants to accommodate the city.

**Chairman Poff** said that the City is still trying to figure out what they want. The TOD was a brand new zone and as a brand new zone issues came up that had not been anticipated when it was put in place, which is common with brand new zones not only in Farmington but anywhere. For this reason the City is looking to remedy some of the issues that have been problematic. He reminded America West that the Commission has diligently been studying the issues at hand to make Farmington City better and move the America West development forward. The Commission is engaged in moving the process forward and looking at the TOD zone and some of the other issues, i.e. traffic. He wanted to reassure **Mr. Martinez** that the Commission is trying to address the issues in a manner that both can move forward and be happy with the results.

**Chairman Poff** reminded Mr. Martinez that one reason the subcommittee is looking closely at the text is because all of the America West representatives requested that it be studied carefully.

**Commissioner Young** wanted to know how close the Commission is to a recommendation from the TOD review sub-committee.

**Chairman Poff** confirmed with David Petersen that June or July was set as a goal to have something concrete to bring back from the sub-committee.

**David Petersen** wanted to know if the Commission is okay with going forward with a Concept and not a PMP for the entire 132 acres and he feels that this is the way the developer is leaning as well.

**John Bilton** wanted to know if the design guidelines that he read in the packet were mutually agreed upon or if these are the City guidelines.

**David Petersen** said that they are the design guidelines that America West is presenting for the Commission's review and the Commission has not yet given them thorough review comments of the Development Agreement.

**Commissioner Bilton** questioned whether or not there is language specific to what a Concept Plan means?

**Chairman Poff** stated that both the Planning Commission and City Council would have to agree upon these issues for them to take affect.

**Commissioner Bilton** said that Concept Plan B3 seems like a good option. (To approve concept with conditions (i.e. must submit integrated mixed use concepts, local street/access detail, etc.).

**Ron Martinez** expressed that his investors are getting tired of waiting around for a decision and that he has an alternative buyer. He said that the Commission controls the destiny of that land, that his time is running out, and that the Commission is not going to like the alternative.

**Commissioner Andersen** said that the Commission has taken the information seriously and is being methodical, which is why the zone text studies are being done.

**Chairman Poff** stated that the Commission is working toward a plan that can benefit all aspects of the city and they are working out these items that should be ready within a matter of weeks. He said it is hard to give recommendations on specifics because some of these other ground work issues are still being discussed.

**Commissioner Bilton** said that he thinks a framework needs to be constructed tonight to work forward from.

**Robert McConnell** wants the Planning Commission to recommend to the City Council to go forward with this Concept Plan Approval process so the City Council can sign-off on it.

**Commissioner Wyss** asked whether or not Farmington City has ever worked with a Concept Plan?

**David Petersen** said not on this scale, just for smaller projects.

**Robert McConnell** wants to know the Commission's definition of Mixed Use?

**Commissioner Bilton** said that he thinks one of the issues with the current TOD is that there is no clear definition of what Mixed Use means.

[**Commissioner Wyss** excused himself from the meeting at 9:03 p.m.]

[**Chairman Poff** left at 9:11 p.m. and returned at 9:13 p.m.]

**Chairman Poff** said he thinks that the city should have some say as to where the streets are placed.

**Ron Martinez** said that they have been working with UDOT to make decisions regarding road networking and traffic.

[**Commissioner Hillier** left at 9:23 p.m. and returned at 9:26 p.m.]

**Chairman Poff** wants to know how the Commission can go about planning and moving forward with development when a major road shift might occur.

**David Petersen** asked the Commission if it is okay with them if America West has two alignment concepts.

The Commission felt that two alignment concepts would be fine.

[**Commissioner Andersen** left at 9:30 p.m. and returned at 9:32 p.m.]

**Ron Martinez** said that he appreciates the Commission and the time they have put into his project.

**Chairman Poff** said the intention of the Commission was to figure out what is working and what isn't and then come up with what they feel is a workable concept and then bring it to a full Commission, a full City Council and get feedback from America West.

There were not any miscellaneous items to be discussed.

**John Bilton** moved to adjourn. **Steve Andersen** seconded the motion, which passed unanimously. The meeting adjourned at 9:56 p.m.

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***Kevin Poff, Chairman***  
***Farmington City Planning Commission***